

### REMARKS

The Applicant does not believe that Examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated June 3, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. The June 3, 2005 Final Office Action rejects Claims 1-20.

The Final Office Action objects to the drawings. The Examiner states that Figure 6 contains reference label HC that is not mentioned in the description. A red-lined version of Figure 6 is submitted herewith that corrects this oversight.

Claims 3, 10, 13 and 20 are objected to due to informalities. The foregoing amendment to the claims has corrected these oversights. The Applicant, respectfully, points out that these changes to the claims are not narrowing amendments and, therefore, should not have any affect upon the interpretation of equivalents for the elements altered by these amendments.

Claims 1-20 are rejected by the Final Office Action under the provisions of 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,418,764 issued in the name of Roth et al. (Roth et al.).

The Examiner's position is that Roth et al. discloses all the elements defined by the rejected claims. "To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently." In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). The Examiner states that Figures 6 and 7 of Roth et al. disclose a pattern of address codes and special codes having a predetermined positional relationship with respect to a predetermined address or piece of information. The Examiner asserts that the position within the lead-in area provides the foregoing subject matter. The Applicant, respectfully disagrees.

The Applicant would like to, respectfully, point out that the description of Roth et al. contained on col. 5, lines 5-31 discusses placement of the sequence shown in Fig. 7 at equidistant positions (see col. 5, lines 6-11); however, there is no disclosure or suggestion for these codes as discussed on column 5 of Roth et al. to have any predetermined positional relationship with respect to a predetermined reference address.

The Applicant, further points out that the description of Roth et al. on col. 6, lines 40-54

details that radial positions r1 and r3 can be marked with auxiliary codes; however, there is no disclosure or suggestion for there to be a periodic pattern of address codes and special codes having a predetermined positional relationship with respect to the r1 and r3 reference addresses. On col. 6, lines 55-63 of Roth et al., state that the "position where the auxiliary codes are recorded can be selected freely" and that it is desirable to divide the auxiliary code uniformly along the track. There is no disclosure or suggestion within Roth et al. for a periodic pattern of address codes and special codes to have a predetermined positional relationship with respect to a predetermined reference address.

It is clear that Roth et al. teach placement for patterns of codes throughout the disc and not to have a predetermined positional relationship with respect to a predetermined reference address.

The rejection asserts that Roth et al. disclose the shifting of special codes with respect to the lead-in or lead-out areas of a disc. The Applicant, respectfully, disagrees. Roth et al. do not disclose, or suggest, the shifting of special codes with respect to the lead-in or lead-out areas of a disc. There is no mention for shifting any of the special codes with respect to a lead-in area or a lead-out area of the disc to define a predetermined positional relationship within Roth et al.

Regarding claim 1, the Examiner states that Roth et al. disclose all of the recited elements. The Examiner states that Roth et al. disclose the sequence of address codes and special codes that are distinguishable from the address codes wherein sequence can be obtained by replacing a sequence of address codes with consecutive address values of special codes. Specifically, the Examiner states that Roth et al. disclose the sequence having a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address in FIG. 6 and 7, at column 4, line 65-column 5, line 31 and also columns 6 and 7. The Applicant, respectfully, disagrees with these assertions contained within the Final Office Action. There is no disclosure or suggestion within Roth et al. for a sequence of address codes and special codes to have a predetermined positional relationship with respect to a predetermined reference address.

The specification to the present invention, beginning on page 8, line 15 and proceeding through page 9, line 17, discusses the positional relationship between special codes and address codes and how this relationship is implemented. Specifically, page 8, lines 15-18 to the specification to the present invention states that "to indicate the availability special codes in the

lead-out area, the position of the special codes if shifted for n frames". In contradistinction to the teaching of the present invention, Roth et al. on columns 4, 5 and 6, disclose a format for code signals having address codes and auxiliary codes, wherein to number of address codes between auxiliary codes may be variable (see column 5, lines 13-16). Roth et al. further discuss a lead-in area being defined at a predetermined distance from the center of rotation, a lead-out area defined as beginning before a predetermined radial position, a program area at a predetermined distance from the center of rotation and the position of the address codes at predetermined positions from the center rotation (see column 5, line 40-column 6, line 22). Roth et al. further discuss that auxiliary codes be recorded in the lead-in area and/or the program area which refer to address codes (see column 6, lines 46-50). It is the position of the Applicant, that simply having auxiliary codes referring to address codes is not equivalent to the subject matter defined by rejected claim 1 for "a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address."

Roth et al. further discuss having address codes contained within the auxiliary codes with the auxiliary codes divided uniformly along the track so that the auxiliary codes containing the references to the address codes can be found rapidly (see column 6, lines 55-63). The Applicant, respectfully, submits that this portion of Roth et al. clearly teaches away from the present invention as defined by rejected claim 1. Claim 1 recites a periodic pattern having a predetermined positional relationship with a predetermined reference address that indicates that the pattern is not fixed. The Applicant, respectfully, points out that there is no such disclosure, teaching or suggestion within the four corners of Roth et al. Therefore, this rejection is respectfully traversed.

Regarding claim 2, the Examiner states that Roth et al. disclose a lead in area located an inner area of the disc comprises special codes and the predetermined reference address is the start or end address of the lead in area at columns 6, line 1-column 7, line 56 and in Fig. 6 and 7. The Applicant respectfully points out that a periodic pattern of address codes and special codes have a predetermined positional relationship to the predetermined reference address defined by rejected claim 2. As discussed above, there is no periodic pattern of address codes and special codes having a predetermined positional relationship with the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 3, the Examiner states that Roth et al. teach the periodic

pattern comprises special codes separated by a first number of successive address codes (column 6, line 1-column 7, line 56) characterized in that the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (column 7, line 7-62). The applicant respectfully points out that column 7 of Roth et al. teach that auxiliary codes can be distinguishable from address codes, and that various bit combinations can be used within the codes. As previously discussed, there's no disclosure or suggestion on column 6, line 1-column 7, line 56 of Roth et al. for the periodic pattern being shifted by a predetermined number of address codes with respect to the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 4, the Examiner states that Roth et al. teaching a periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. As previously discussed, the periodic as defined by the rejected claims has a predetermined positional relationship with a predetermined reference address. Rejected claim 4 further defines that the periodic pattern a first number of distinct special codes separated by a first number of successive address codes wherein the special codes have predetermined order. The applicant, respectfully, points out that the Examiner continues to read column 7 of Roth et al. on the various elements of the rejected claims, however, the Examiner does not indicate what items within column 7 of Roth et al. that the Examiner is actually using it make these rejections. The Applicant, respectfully, requests that the Examiner specifically point out by reference the items within column 7 of Roth et al. that the Examiner is using to read on the recitation of the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. The Applicant respectfully submits that the foregoing subject matter is not found within column 7 or anywhere with the teachings of Roth et al. Accordingly, this rejection is respectfully traversed.

Regarding the rejection to claim 5, the Examiner states that Roth et al. disclose (at Fig. 4,5 6, column 5, lines and 41-67, and column 6, lines 1-63) a lead-out area located and out area the disc wherein the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof the indicated by the predetermined positional relationship. The Applicant respectfully that requests that the Examiner indicate, by

reference 1 exactly those items to which the Examiner is referring. As previously discussed, Roth et al. discuss a lead-in area being defined at a predetermined distance from the center of rotation, a lead-out area defined as beginning before a predetermined radial position, a program area at a predetermined distance from the center of rotation and the position of him address codes at predetermined positions from the center rotation (see column 5, line 40-column 6, line 22). Roth et al. further discuss that auxiliary codes be recorded in the lead-in in area and/or the program area which refer to address codes (see column 6, lines 46-50 Roth et al. do not discuss "a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address." Accordingly, this rejection is respectfully traversed.

Regarding the rejection to Claim 6, the Examiner states that Roth et al. disclose (between the bottom of column 6 to the middle of column 10) recording means for reading information recorded on the record carrier including control means adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with the determination. As previously discussed, Roth et al. do not discuss a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address. Furthermore the reading means taught by Roth et al. do not provide control means better adapted to determine the printer relationship of the periodic pattern of address codes to special codes and control the recording process in accordance thereto. Accordingly this rejection is respectfully of traversed.

Regarding claim 7, the Examiner states that Roth et al. disclose control means adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (and column 10, lines 16-31). The Applicant respectfully points out that this portion simply states that when the auxiliary codes that contain the address values are detected, the address values are stored into memory. There is no disclosure or suggestion within Roth et al. of the control means branching upon detecting a predetermined positional relationship. Therefore this rejection is respectfully traversed.

Regarding the rejection of Claim 8, the Examiner states that Roth et al. disclose control means the adapted to read special information in the lead-in the zone and only upon detection ever predetermined positional relationship, subsequently read the lead-out zone at column 10,

lines 32-45. The Applicant respectfully disagrees. There is no disclosure or suggestion within Roth et al. of any action upon detecting a predetermined positional relationship. Simply put, there's no detection of a predetermined positional relationship within Roth et al. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 9, the Examiner states that Roth et al. teach the predetermined positional relationship is defined by shifting of special codes at column 5, lines 5-16 and column 6, line 1-column 7, line 56. The applicant respectfully points out that column 7 of Roth et al. teach that auxiliary codes can be distinguishable from address codes, and that various bit combinations can be used within the codes. As previously discussed, there's no disclosure or suggestion at column 5, lines 5-16 and column 6, line 1-column 7, line 56 of Roth et al. for the predetermined positional relationship being defined by a shifting of the special codes. Therefore, this rejection is respectfully traversed.

Regarding claim 10, the Examiner states that Roth et al. disclose the predetermined positional relationship being defined by the shifting of the special codes with respect to a lead-in area or a lead-out area of the disc in Figures 4-7. As discussed above, Roth et al. do not disclose or suggest the predetermined positional relationship defined by the shifting of the special codes with respect to a lead-in area or a lead-out area of the disc. Therefore, this rejection is respectfully traversed.

Regarding claim 11, the Examiner states that Roth et al. disclose all of the recited elements. The Examiner states that Roth et al. disclose the sequence for a periodic pattern has a predetermined positional relationship with respect to an additional piece of information in FIG. 6 and 7, at column 4, line 65-column 5, line 31 and also columns 6 and 7. The Applicant, respectfully, disagrees with these assertions contained within the Final Office Action. There is no disclosure or suggestion within Roth et al. for the sequence for a periodic pattern has a predetermined positional relationship with respect to an additional piece of information within Roth et al.

Regarding claim 12, the Examiner states that Roth et al. disclose a lead in area located an inner area of the disc comprises special codes and the predetermined reference address is the start or end address of the lead in area at columns 6, line 1-column 7, line 56 and in Fig. 6 and 7. The Applicant respectfully points out that a periodic pattern of address codes and special codes have a predetermined positional relationship to the predetermined reference address defined by

rejected claim 12. As discussed above, there is no periodic pattern of address codes and special codes having a predetermined positional relationship with the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 13, the Examiner states that Roth et al. teach the periodic pattern comprises special codes separated by a first number of successive address codes (column 6, line 1-column 7, line 56) characterized in that the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (column 7, line 7-62). The applicant respectfully points out that column 7 of Roth et al. teach that auxiliary codes can be distinguishable from address codes, and that various bit combinations can be used within the codes. As previously discussed, there's no disclosure or suggestion on column 6, line 1-column 7, line 56 of Roth et al. for the periodic pattern being shifted by a predetermined number of address codes with respect to the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to claim 14, the Examiner states that Roth et al. teaching a periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. As previously discussed, the periodic as defined by the rejected claims has a predetermined positional relationship with a predetermined reference address. Rejected claim 4 further defines that the periodic pattern a first number of distinct special codes separated by a first number of successive address codes wherein the special codes have predetermined order. The applicant, respectfully, points out that the Examiner continues to read column 7 of Roth et al. on the various elements of the rejected claims, however, the Examiner does not indicate what items within column 7 of Roth et al. that the Examiner is actually using it make these rejections. The Applicant, respectfully, requests that the Examiner specifically point out by reference the items within column 7 of Roth et al. that the Examiner is using to read on the recitation of the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. The Applicant respectfully submits that the foregoing subject matter is not found within column 7 or anywhere with the teachings of Roth et al. Accordingly, this rejection is respectfully traversed.

Regarding the rejection to claim 15, the Examiner states that Roth et al. disclose (at Fig.

4,5 6, column 5, lines and 41-67, and column 6, lines 1-63) a lead-out area located and out area the disc wherein the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof the indicated by the predetermined positional relationship. The Applicant respectfully that requests that the Examiner indicate, by reference 1 exactly those items to which the Examiner is referring. As previously discussed, Roth et al. discuss a lead-in area being defined at a predetermined distance from the center of rotation, a lead-out area defined as beginning before a predetermined radial position, a program area at a predetermined distance from the center of rotation and the position of him address codes at predetermined positions from the center rotation (see column 5, line 40-column 6, line 22). Roth et al. further discuss that auxiliary codes be recorded in the lead-in in area and/or the program area which refer to address codes (see column 6, lines 46-50 Roth et al. do not discuss "a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address." Accordingly, this rejection is respectfully traversed.

Regarding the rejection to claim 16, the Examiner states that Roth et al. disclose (between the bottom of column 6 to the middle of column 10) recording means for reading information recorded on the record carrier including control means adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with the determination. As previously discussed, Roth et al. do not discuss a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address. Furthermore the reading means taught by Roth et al. do not provide control means better adapted to determine the printer relationship of the periodic pattern of address codes to special codes and control the recording process in accordance thereto. Accordingly this rejection is respectfully of traversed.

Regarding claim 17, the Examiner states that Roth et al. disclose control means adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (and column 10, lines 16-31). The Applicant respectfully points out that this portion simply states that when the auxiliary codes that contain the address values are detected, the address values are stored into memory. There is no disclosure or suggestion within Roth et al. of the control means branching upon detecting a predetermined positional relationship. Therefore this



rejection is respectfully traversed.

Regarding the rejection of claim 18, the Examiner states that Roth et al. disclose control means the adapted to read special information in the lead-in the zone and only upon detection ever predetermined positional relationship, subsequently read the lead-out zone at column 10, lines 32-45. The Applicant respectfully disagrees. There is no disclosure or suggestion within Roth et al. of any action upon detecting a predetermined positional relationship. There is no detection of a predetermined positional relationship within Roth et al. Therefore, this rejection is respectfully traversed.

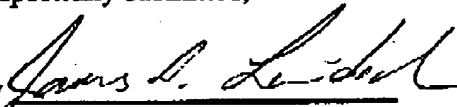
Regarding the rejection to Claim 19, the Examiner states that Roth et al. teach the predetermined positional relationship is defined by shifting of special codes at column 5, lines 5-16 and column 6, line 1-column 7, line 56. The applicant respectfully points out that column 7 of Roth et al. teach that auxiliary codes can be distinguishable from address codes, and that various bit combinations can be used within the codes. As previously discussed, there's no disclosure or suggestion at column 5, lines 5-16 and column 6, line 1-column 7, line 56 of Roth et al. for the predetermined positional relationship being defined by a shifting of the special codes. Therefore, this rejection is respectfully traversed.

Regarding claim 20, the Examiner states that Roth et al. disclose the predetermined positional relationship being defined by the shifting of the special codes with respect to a lead-in area or a lead-out area of the disc in Figures 4-7. As discussed above, Roth et al. do not disclose or suggest the predetermined positional relationship defined by the shifting of the special codes with respect to a lead-in area or a lead-out area of the disc. Therefore, this rejection is respectfully traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach  
Patent Attorney, Reg. No. 34,374

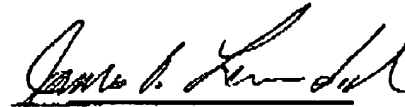
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